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**Testimony Regarding Raised House Bill 5332**  
**An Act Concerning Smoking in Public Buildings and the Exemption for Tobacco Bars**  
**March 7, 2012**

My name is Dr. Pat Checko. I am Chairman of the statewide MATCH Coalition (Mobilizing Against Tobacco for Connecticut's Health). I have spoken with Rep. Megna regarding the proposed change to the definition of a "tobacco bar" and his intent to reduce smoking in public places. Unfortunately, as worded, the bill could have the opposite effect and open the door for other bars to take advantage of this unfortunate exemption.

In 2003, when the legislature was creating language prohibiting smoking in restaurants and bars, this exemption was carved out to protect a small number of cigar bars that had liquor licenses. The intent was that these few (1 or 2) would eventually go out of business. The exemption clause restricts any new bars from being licensed under the "tobacco bar" status. It appears that the Owl Club in New Haven is the only "tobacco bar" in Connecticut. Under this exemption, they clearly have advantage of having a café license and legally selling and allowing the use of tobacco products on the premises, unlike every other bar (café or tavern) in the state of Connecticut.

As the law currently reads a "tobacco bar" is an establishment with a permit for the sale of alcoholic liquor to consumers AND IN CALENDAR YEAR ENDING DECEMBER 31, 2002, GENERATED 10% OR MORE OF ITS TOTAL ANNUAL GROSS INCOME FROM THE ON-SITE SALE OF TOBACCO PRODUCTS... By eliminating that language, the bill will take away the strict and narrow language intended to define these limited establishments. The resulting language could open the possibility of other cafes (liquor sales with food offered) could apply for this status.

If the intent of the bill is to reduce smoking, then repeal of the entire section G is the most appropriate action, and MATCH would support that. If the Committee were interested in retaining "tobacco bars" with further restrictions, this could be achieved with the following language:

(G) any tobacco bar, provided no tobacco bar shall expand in size or change its location from its size or location as of December 31, 2002. For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure, "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to chapter 545 that, in calendar year ending December 31, 2002, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, and

**"tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco, and in each calendar year beginning January 1, 2013 generated fifty per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, and tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco.**

This would guarantee that only the currently licensed tobacco bars would be eligible and that they had to make half or more of their annual gross income from the sale of "tobacco products" as defined in the statute. This would certainly have the effect that Rep Megna is trying to achieve.

MATCH Coalition supports of strong smoke free laws and has fought for further restriction of smoking in public. Perhaps, it might be more fruitful to amend this section of the law in a longer session, where we can also address a number of existing exemptions as well as possibly addressing the emergence of new products such as E-cigs, snus and nicotine breath strips.